Force Data Collection Report

CASE # 2020-681677 | OFFICER: Kammerer | DPSST: 29988 | ☐ AMENDED

DATE: 09/26/2020 | TIME: 2355 hours | ASSIGNMENT: RRT

LOCATION: SW 4th Avenue / SW Taylor Street

NAME (LAST, FIRST M)	GENDER	RACE	DATE OF BIRTH
DOE, JOHN	MALE	WHITE	01/01/1980

TYPE OF CALL - REASON FOR CONTACT

☐ SUBJECT STOP ☐ PERSON CRIME ☐ PROPERTY CRIME ☐ ADMINISTRATIVE ☐ INJURED ANIMAL

☐ TRAFFIC STOP ☒ OTHER ☐ MERE CONVERSATION ☐ WELFARE CHECK

EXPLAIN

This was the fourth month of ongoing violent protests in the city of Portland regarding the death of George Floyd. The violent protest's stated intent consisted mainly of acts of violence against law enforcement, attacks against infrastructure, including vandalism, property damage, and subsequent looting.

As part of RRT, I was assigned as the Delta squad leader, and charged with ensuring life safety, allowing and protecting free speech, and protecting critical infrastructure and preventing property damage, including subsequent looting.

I have been assigned to RRT since 2001, and have held various roles within RRT, including line officer, Grenadier, Assistant Squad Leader, and Squad Leader. As a Grenadier, I am certified to carry and deploy both launchable and hand-toss Riot Control Agents, as well as launchable and hand-toss impact munitions. For this event, I was deployed with three RBDD's, and carried multiple hand-toss RCAs, as well as one smoke canister.

LEGAL AUTHORITY FOR CONTACT

☐ REASONABLE SUSPICION ☐ WARRANT/JUDICIAL DECREE ☐ OTHER

☒ PROBABLE CAUSE ☐ CIVIL HOLD ☒ CIVIL UNREST

EXPLAIN

After the actions of the protesters between SW Main Street and and SW Madison Street, on SW 3rd Avenue, and within Chapman Square, had been declared an unlawful assembly at approximately 2345 hours, I was directed by the IC to assist with dispersing the crowd north and west to prevent further assaultive activity, and was authorized to use impact munitions, including RBDDs, if needed, and effect custodies, if needed, to facilitate the clearance or dispersal.

CONDITION PRIOR TO FORCE

☐ ARMED (ACTUALLY) ☐ [redacted]MENTAL HEALTH INFLUENCE (PERCEIVED) ☐ PASSIVE RESISTANCE*

☐ REPORTED TO BE ARMED ☐ UNDER THE INFLUENCE OF DRUGS ☒ ENGAGED IN PHYSICAL RESISTANCE

☐ ARMED (PERCEIVED) ☐ UNDER THE INFLUENCE OF ALCOHOL ☐ OTHER ☐ NONE

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EXPLAIN

Prior to the event being declared an unlawful assembly, the protesters had blocked the SW 3rd Avenue, between SW Madison Street and SW Main Street. They had thrown dangerous projectiles, including rocks, glass bottle, full beer cans, and improvised explosive devices at the police line. Some members of the crowd were armed with shields and clubbing instruments. It was clear to me the Incident Commander's intent was to use the amount of force reasonably necessary to prevent both injuries to the public, as well as the targeted attacks, and any subsequent injuries, against law enforcement, as well as for dispersing the crowd. From my previous experience in RRT dealing with large violent crowds, it is my belief RCAs are more effective against larger groups, and impact munitions are more effective against smaller groups. Crowd density plays a major role in this, as the denser the crowd, the more difficult it is for the crowd to retreat from the force being applied. Impact munitions effect a relatively small portion of the entire crowd, while RCAs effect a much greater portion of the crowd. All of my force decisions regarding the event were based on this principle, which helped determine my tactics throughout the event. However, due to a recent court ruling, RCA use by the Portland Police Bureau is not allowed, absent life-safety conditions, and specifically regarding RBDDs, which are limited to situations in which the lives or safety of the public or the police are at risk and are not be used to disperse crowds where there is no or little risk of injury. This ruling also factored into my decision making regarding force. I am also familiar with Oregon House Bill 4208, which sets forth the specific requirements for RCA use during a crowd control event, which also factored into my decision making regarding force. I am also familiar with a recent decision by Mayor Wheeler to prohibit the use of CS munitions by the Portland Police. In addition, having dealt with a similar crowd on several previous evenings, I was aware impact munitions were only marginally effective against the shield bearers due to their protective equipment. This direct knowledge also helped determine my tactics and decision making regarding force against these specific individuals.

PERCEIVED CONDITION FOR LACK OF COMPLIANCE PRIOR TO FORCE

[redacted] MEDICAL CONDITIONS
[redacted] DEVELOPMENTAL DISABILITY
☒ DISOBEDIENT / ANTAGONISTIC
☐ OTHER
[redacted] MENTAL IMPAIRMENT
[redacted] MENTAL HEALTH CRISIS
☐ LANGUAGE BARRIER
[redacted] PHYSICAL LIMITATIONS
☐ IMPAIRED FROM DRUGS OR ALCOHOL OR BOTH

EXPLAIN

After protesters blocked the street and demonstrated an intent to engage in criminal activity, the Sound Truck made announcements saying the crowd would need to clear the streets and disperse, which were ignored by most of the crowd, who continued to engage in criminal activity. In addition to Sound Truck announcements, clear voice directions were given by multiple line officers multiple times, with the same results.

MENTAL HEALTH

[redacted] NONE
[redacted] PRIOR TO FORCE KNOWLEDGE
[redacted] POST FORCE KNOWLEDGE
[redacted] OTHER

EXPLAIN

[redacted]

SPECIALTY UNITS

YES, WHICH ONES? SPECIALTY UNITS INVOLVED?

WHICH SPECIALTY UNITS?

RRT, Sound Truck, ASU

DE-ESCALATION TECHNIQUES

YES DE-ESCALATION TECHNIQUES WERE ATTEMPTED OR USED?

EXPLAIN WHY NO DE-ESCALATION TECHNIQUES WERE USED/ATTEMPTED OR DESCRIBE TECHNIQUES USED/ATTEMPTED

Multiple Sound Truck announcements were made expressing clearly the steps the crowd needed to take to allow a lawful free speech event to continue, but were routinely objected to and ignored.

The mere presence of MFF squads, as well as multiple RRT and MRT squads, and Field Arrest Teams, provided a numerical advantage of officers at specific locations, but did not dissuade protester activity. Prior to the unlawful assembly announcements, multiple custodies had been effected of protesters, which still did not dissuade their criminal activities. When Delta squad deployed, the violent protesters indicated their intent to fight with officers, and then after Delta squad advanced to disperse the crowd, we encountered aggression to

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attempts to disperse the crowd and make arrests.

USE OF FORCE WAS NECESSARY TO

- ☒ PREVENT OR TERMINATE THE COMMISSION OF AN OFFENSE.
- ☐ LAWFULLY TAKE A PERSON INTO CUSTODY, MAKE AN ARREST, OR PREVENT AN ESCAPE.
- ☐ PREVENT A SUICIDE OR SERIOUS SELF-INFLICTED INJURY.
- ☒ DEFEND THE MEMBER OR OTHER PERSON FROM THE USE OF PHYSICAL FORCE.
- ☒ ACCOMPLISH SOME OFFICIAL PURPOSE OR DUTY THAT IS AUTHORIZED BY LAW OR JUDICIAL DECREE.

CHRONOLOGICAL USE OF FORCE

	RESISTANCE	WARNING	FORCE	TARGET LOCATION	RESISTANCE CONTINUED	RE-EVALUATE
+ -	PHYSICAL RESIST	YES	CONTROL AGAINST RESISTANCE	TORSO	YES	YES

DESCRIBE THIS USE OF FORCE:

Delta squad was tasked by the IC to effect custodies of the criminal protesters on SW 3rd Avenue, between SW Madison Street and SW Main Street. In order to facilitate this mission, at approximately 2338 hours, Delta squad moved to deploy at SW Madison Street and SW 4th Avenue, with the assigned mission of effecting custodies of the individuals who had previously thrown dangerous projectiles like full beer cans at the police line, and striking officers, who were thought to be within Chapman Square. This mission was being conducted simultaneous to custody missions being conducted by other Portland RRT squads and OSP MRT squads on SW 3rd Avenue, between SW Madison Street and SW Main Street. Sound Truck announcements had already been given to the crowd, which numbered approximately 300, to clear the streets and cease criminal activity, or they would have to disperse, which were ignored.

The Sound Truck announcements also stated force options may be used to aid in this dispersal, including impact munitions, and crowd members remaining were subject to being arrested.

All of these individuals still remaining in the street and refusing to move out of the street, could have, if resources and the situation at the time allowed, been taken into custody for violating ORS 166.025, Disorderly Conduct in the Second Degree, and ORS 162.247, Interfering with a Peace Officer. Delta squad rapidly moved through the park in a line formation, but did not locate the targeted individuals. Delta squad then deployed onto SW 3rd Avenue between SW Main Street and SW Madison Street to support the custody missions of the other squads. More dangerous projectiles were thrown at the police line, and dangerous projectiles, including ball bearings, were launched from the park at the officers processing the custodies. At approximately 2345 hours, the IC declared an unlawful assembly and the Sound Truck provided announcements to that effect, including force and arrest warnings, and directed the crowd to disperse to the west and the north. All RRT/MRT squads then began dispersing the crowd north and west in an organized and deliberate manner. At SW 4th Avenue and SW Taylor Street, the crowd split, with some of the crowd moving west on SW Taylor Street and the other half moving north on SW 4th Avenue. Delta squad continued moving the crowd north, and members of the crowd began throwing dangerous objects at the officers, including rocks, glass bottles, full beer cans, improvised explosive devices, and balloons filled with unknown liquids. After officers wee struck with these items, i directed Delta squad to perform a dynamic movement. This was immediately effective in getting the crowd members to cease throwing dangerous projectiles at us.

During this dynamic maneuver, I pushed multiple different people with my hands, most dressed in black, all of whom were actively resisting efforts to move them and attempting to breach the police line. These individuals wore helmets, gas masks, and other protective equipment, and some were armed with shields or other clubbing instruments. All of these individuals displayed a clear intent to fight with law enforcement. I generally only pushed each individual once, and due to the chaotic and dynamic nature of the incident, I am unable to recall the exact number of individuals I pushed in this manner. Delta squad continued moving the crowd at a rapid pace northbound, then west on SW Washington Street, and stopped at SW 5th Avenue when the crowd had been dispersed at that point. As we moved and dispersed this crowd, I was aware we were bypassing individuals purporting to be "press" but I noticed multiple individuals purporting to be "press" chose to move rapidly with us or with the crowd.

	RESISTANCE	WARNING	FORCE	TARGET LOCATION	RESISTANCE CONTINUED	RE-EVALUATE
+ -	PHYSICAL RESIST	YES	CONTROL AGAINST RESISTANCE	TORSO	YES	YES

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DESCRIBE THIS USE OF FORCE:

Delta squad continued to effect the dispersal mission by moving throughout the downtown core area and locating crowds and dispersing them north and west. One such crowd of about 50 was located at SW Yamhill Street and SW 5th Avenue. Delta squad began moving this crowd west, and I, along with several line officers provided verbal direction to disperse west and north, or they would be subject to force or arrest. I was aware the Sound Truck continued to provide dispersal instructions and force earnings as well. On SW Yamhill Street, east of SW 6th Avenue, I walked alongside a female in her twenties, wearing a green jacket, who was accompanied by a male companion, who were attempting to slow the police line and move east, and provided verbal direction to move west and north. These two were clearly with the other members of the crowd and part of the protest. The female appeared familiar to me from other protests I have worked in this series of protests. The female and her male companion then turned around and walked west, but were demanding to know why they could not go east, and said the police directions were confusing her. I loudly explained to her the dispersal directions as I walked alongside her, focusing my attention on the remainder of the crowd. As we were walking side by side, our shoulders would occasionally touch due to our natural walking motions. Once we reached SW 6th Avenue, our shoulders touched again, and this time the female threw herself down to the ground in front of a larger group, most holding cameras and several marked as "press." At no point did I use my body weight or any force against her. The female then stood up and was assisted by her male companion to the south.

	RESISTANCE	WARNING	FORCE	TARGET LOCATION	RESISTANCE CONTINUED	RE-EVALUATE
+ -	PHYSICAL RESIST	YES	CONTROL AGAINST RESISTANCE	TORSO	NO, EXPLAIN	YES

DESCRIBE THIS USE OF FORCE:

A different white male wearing black then walked up and toward me and raised his hand into my face. I immediately pushed him back once with my hands while simultaneously directing him to leave. Subject left back into the crowd.

	RESISTANCE	WARNING	FORCE	TARGET LOCATION	RESISTANCE CONTINUED	RE-EVALUATE
+ -	PHYSICAL RESIST	YES	CONTROL AGAINST RESISTANCE	BACK	NO, EXPLAIN	YES

DESCRIBE THIS USE OF FORCE:

Another while male wearing a blue face mask then stepped toward me saying he wanted to fight me, and I simply pushed him back once with my hands while simultaneously directing him to leave. The male retreated several steps and I focused my attention on other members of the crowd, loudly directing them to leave.

The crowd chose to move south, in direct defiance of the dispersal orders. All of these individuals, could have, if resources and the situation at the time allowed, been taken into custody for violating ORS 166.025, Disorderly Conduct in the Second Degree, and ORS 162.247, Interfering with a Peace Officer. The male with the blue face mask then advanced toward me again in an aggressive posture, and I pushed him back again as he was turning away. Someone in that group threw a rock at our line, and I immediately directed Delta squad to perform a dynamic maneuver, which was immediately effective in getting the crowd to move away from us. Delta squad halted at SW Taylor Street and then turned around to address a crowd behind us. Delta squad continued moving and dispersing this crowd at a rapid pace northbound, then west on SW Yamhill Street, and stopped at SW 6th Avenue when the crowd had been dispersed at that point. As we moved and dispersed this crowd, I was aware we were bypassing individuals purporting to be "press" but I noticed multiple individuals purporting to be "press" chose to move rapidly with us or with the crowd.

YES — WHEN THE RESISTANCE DECREASED, I REDUCED MY AMOUNT OF FORCE TO A LEVEL REASONABLY CALCULATED TO MAINTAIN CONTROL.

DESCRIBE WHY OTHER FORCE OPTIONS WERE REASONABLY CONSIDERED BUT NOT USED:

From my previous experience in RRT dealing with large violent crowds, it is my belief RCAs are more effective against larger groups, and impact munitions are more effective against smaller groups. Crowd density plays a major role in this, as the denser the crowd, the more difficult it is for the crowd to retreat from the force being applied. Impact munitions effect a relatively small portion of the entire crowd, while RCAs effect a much greater portion of the crowd, thus making it less likely for injuries to occur from panicked crowd members. Due to a recent court ruling, RCA use by the Portland Police Bureau is not allowed, absent life-safety conditions, and specifically regarding RBDDs, which are limited to situations in which the lives or safety of the public or the police are at risk and are not be used to

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disperse crowds where there is no or little risk of injury. This ruling also factored into my decision making regarding force. I am also familiar with Oregon House Bill 4208, which sets forth the specific requirements for RCA use during a crowd control event, which also factored into my decision making regarding force. I am also familiar with a recent decision by Mayor Wheeler to prohibit the use of CS munitions by the Portland Police. In addition, having dealt with a similar crowd on several previous evenings, I was aware impact munitions were only marginally effective against the shield bearers due to their protective equipment. This direct knowledge also helped determine my tactics and decision making regarding force against these specific individuals. Based on all of the above listed conditions for force use, I used the least amount of force reasonably possible.

GENERAL DESCRIPTION OF THE FORCE YOU OBSERVED OTHER OFFICERS USE:

I directed and observed other line officers pushing violent crowd members back in a coordinated movement.

SUBJECT INJURY AND/OR TREATMENT

	TYPE OF INJURY	OBSERVATION	LOCATION OF INJURY	INJURY ATTRIBUTED TO	INJURY TREATMENT
+ -	[redacted]				

BRIEF DESCRIPTION OF COMPLAINT, APPARENT, PRE-EXISTING INJURY OR ABSENCE OF INJURY:

[redacted]

[redacted] THE SUBJECT WAS MEDICALLY CLEARED FROM THE FORCE EVENT

THE SUBJECT WAS TRANSPORTED AND/OR ADMITTED BECAUSE OF MENTAL HEALTH ISSUES

THE SUBJECT WAS TRANSPORTED AND/OR ADMITTED FOR DRUGS/ALCOHOL

WITNESS

☐ I ATTEMPTED TO LOCATE WITNESSES AND NONE WERE LOCATED.

☐ _____ ATTEMPTED TO LOCATE WITNESSES AND NONE WERE LOCATED

☐ WITNESSES WERE LOCATED BUT THEY REFUSED TO GIVE THEIR CONTACT INFORMATION AND A DESCRIPTION OF THEM IS IN THE SECTION BELOW.

WITNESS INFORMATION: NAME OR DESCRIPTION (IF NAME REFUSED) AND MEMBER WHO LOCATED:

Due to the hostile and violent nature of this crowd, it would have been unsafe and unreasonable to attempt to locate or interview witnesses. Additionally I needed to stay with Delta squad in order to fulfill my duties as squad leader.

MEMBER INJURY

[redacted] **I WAS INJURED DURING THIS INCIDENT**

SIGNATURE

SIGNATURE	DPSST		RANK	NAME
Erik Kammerer	29988	EMAILED TO	SGT	Carroll

************SUPERVISORS ONLY************

APPROVED BY:	Carroll	DPSST:	33550

PSD: ONLY PERCEIVED MENTALLY ILL	PSD: ONLY SERIOUS USE OF FORCE	PSD: BOTH A SERIOUS USE OF FORCE ON A SUBJECT WITH PERCEIVED MENTAL ILLNESS		**SERGEANT:** SUBMIT FINAL COPY TO RECORDS